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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )

800 Data Base Access Tariffs and the )

800 Service Management System Tariff )

DA 93-930

CC Docket No. 93-129

**PETITION FOR WAIVER**

The Common Carrier Bureau's *Designation Order* in the above captioned proceeding requires that certain local exchange carriers submit cost material used to develop their 800 data base basic and vertical feature rates.<sup>1</sup> The Designation Order appears to have the unintended effect of requiring disclosure of Bell Communications Research, Inc.'s (Bellcore) Common Channel Signaling Cost Information System (CCSCIS). The Bureau apparently was under the impression that some local exchange carriers did not rely on computer models, such as CCSCIS, to develop their rates and, therefore, that all local exchange carriers could support their rates without use of such models. As such, it would be unnecessary to produce CCSCIS. As explained below by Bellcore and the participating Bell Operating Companies,<sup>2</sup>

1. Order Designating Issues for Investigation: DA 93-930, CC Docket No. 93-129, released July 19, 1993 (Designation Order) ¶ 29.

2. The participating BOCs are The Bell Telephone Company of Pennsylvania, The Chesapeake and Potomac Telephone Company, The Chesapeake and Potomac Telephone Company of Maryland, The Chesapeake and Potomac Telephone Company of Virginia, The Chesapeake and Potomac Telephone Company of West Virginia, The Diamond State Telephone Company, New Jersey Bell Telephone Company, Pacific Bell, Nevada Bell, Southwestern Bell Telephone Company, BellSouth Telecommunications, Inc., New York Telephone Company, New England Telephone and Telegraph

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that is not the case. (See pp. 4-9 below.) Bellcore proposes an alternative that will address the Bureau's needs and avoid compromising the integrity of the CCSCIS model and its confidentiality agreements with equipment vendors. (See pp. 9-12 below.)

Each LEC<sup>3</sup> that included capital-related costs used CCSCIS or a similar model to calculate its 800 data base service costs. Alternative means for accurately developing the costs of 800 data base service switch features do not exist.<sup>4</sup> The inputs for

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Company, Indiana Bell Telephone Company, Inc., Michigan Bell Telephone Company, The Ohio Bell Telephone Company, Wisconsin Bell, Inc., and Illinois Bell Telephone Company.

3. LECs refers to the Ameritech Operating Companies (Ameritech), Bell Atlantic Operating Companies (Bell Atlantic), BellSouth Telephone Companies (BellSouth), New York Telephone Company and New England Telephone and Telegraph Company (NYNEX), Pacific Bell, Nevada Bell, Southwestern Bell Telephone Company (Southwestern Bell), Cincinnati Bell, Southern New England Telephone Company (SNET), Sprint, US West and GTE.

4. A recent filing by Allnet Communication Services, Inc. ("Allnet"), in response to a related request for further Commission action with respect to the Designation Order disputes the LEC's need to use CCSCIS to support their costs in this proceeding. See *Allnet's Opposition To US West Clarification [sic] Or, In The Alternative, Reconsideration* (dated August 31, 1993) at 2. That claim, to the extent relevant here, is rebutted by the Declarations filed by the CCSCIS licensees who have participated in this proceeding. See Attachment 1 (Bellcore ex parte filing, enclosing Declarations from licensees).

Allnet also implies that use of CCSCIS or an equivalent model is unnecessary because one participant in these proceedings that did not submit capital cost information (United) "did not claim that it could not come up with a reasonable derivation of the capital costs without the CCSCIS model." *Id.* (emphasis in original). United's letter speaks for itself, and states that "had United chosen to include capital costs, the same could not have been precisely determined without the use of a proprietary model or process containing vendor proprietary or commercially sensitive information." See Attachment 1, letter to

determining those costs and the model itself have always been maintained on a confidential basis, and their public disclosure would inflict great competitive harm. This is so because 800 data base service vertical feature costs reflect the costs of record storage and processing by the Service Control Point (SCP). The SCPs manufactured by different vendors have different performance characteristics and costs. Therefore, a detailed examination of the equipment, architecture, component costs and performance of each type of SCP is necessary to determine the "costs." The characteristics of each SCP are proprietary to the vendor of the SCP. The complex calculations required to determine the SCP costs per query require use of complicated models such as CCSCIS, which cost millions of dollars to develop and have enormous commercial value.

Under almost identical circumstances to the instant proceeding, the Commission waived the public filing requirement of the Switching Cost Information System (SCIS) model.<sup>5</sup> Originally, the Commission had required the Bell Operating Companies (BOCs) and others to include SCIS material in the public record.<sup>6</sup> When the BOCs established that SCIS contained competitively sensitive material, the Commission waived the public filing requirement

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G. Vogt from A. Lawson, dated July 29, 1993.

5. *Commission Requirements for Cost Support Material to be Filed with Open Network Architecture Access Tariffs*, DA 91-1309, (CCB rel. 1991).

6. *Commission Requirements for Cost Support Material to be Filed with Open Network Architecture Access Tariffs*, 6 FCC Rcd 5682 (CCB 1991) (TRP Order).

and reviewed the SCIS model in camera. Based on that in camera review, the Bureau ruled that SCIS materials qualified as trade secrets and confidential commercial information exempt from public disclosure. *Commission Requirements for Cost Support Material to be Filed with Open Network Architecture Access Tariffs*, DA 91-1592 at ¶ 18 (CCB 1991) ("[T]he Bureau concludes that all versions of the SCIS model, including associated vendor and BOC inputs, contain proprietary information.").

For the same reasons, the Commission should waive the apparent requirement that CCSCIS be filed and made a part of the public record in the captioned proceeding. The attached Affidavit of James F. Britt establishes that CCSCIS contains competitively sensitive and valuable commercial information of both Bellcore and six equipment vendors. Mr. Britt also outlines the extraordinary measures Bellcore has taken to protect against possible disclosure of CCSCIS, SCIS and similar models.

#### BACKGROUND

CCSCIS is a complex, dynamic software model, encompassing twelve modules which analyze investments for all components. Britt Aff. ¶ 2. The system contains information on ten specific system architectures from six equipment vendors (Northern Telecom, DSC Communications, Digital Equipment Corporation, Ericsson, IBM and AT&T). Britt Aff. ¶ 2. CCSCIS cannot function -- and indeed it is useless -- without specific information from the vendors. The information includes technical data relating to architecture, and capacities; vendor specific price infor-

mation on a per-function basis; and consumption of total capacity for each equipment and/or function.<sup>7</sup> While the vendors voluntarily provide the necessary proprietary data to Bellcore, they do so only pursuant to strict non-disclosure and limited use agreements.

CCSCIS contains in excess of 94 program files and over 72,000 lines of code in addition to 172 screen and table files. Bellcore has spent approximately \$2.4 million to develop CCSCIS. Bellcore has licensed (among others) six of the seven Regional Bell Operating Companies (RBOCs), Cincinnati Bell, SNET, Telefonos de Mexico, Optus Communications of Australia, and Sprint LTD to use CCSCIS. It has received over \$3.0 million in licensing revenues from those companies and industry clients overseas. Britt Aff. ¶ 4. Since 1989, there have been over sixteen CCSCIS software releases reflecting new technologies, engineering rules and price revisions. Indeed, approximately thirty to forty percent of the system code is revised on an annual basis. Britt Aff. ¶ 5.

The license agreements between Bellcore and the CCSCIS licensees protect the proprietary nature of CCSCIS. Licensees are specifically precluded from making any disclosure regarding the licensed information (including methods or concepts utilized therein) to anyone other than their employees who have a need to know. Britt Aff. ¶ 17. Licensees are prohibited from making

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7. There is no other source for the data. Without the continual flow of this information, the usefulness of CCSCIS as a costing tool would disappear.

copies of the licensed information (other than one back-up copy) and may not reverse engineer, decompile, disassemble or decode any software furnished under the terms of the license, or derive any source code or algorithms therefrom. Britt Aff. ¶ 17.

#### DISCUSSION

CCSCIS is entitled to protection from disclosure. The Freedom of Information Act (FOIA) exempts from disclosure an agency record that constitutes "trade secrets and commercial or financial information obtained from a person as privileged or confidential." 5 U.S.C. § 552(b)(4). CCSCIS qualifies as both a "trade secret" and as confidential commercial information.

1. An Exemption 4 "trade secret" is "a secret, currently valuable plan, process, or device that is used for the making, preparing, compiling or processing of trade commodities," which can also "be said to be the end product of either innovation or substantial effort." *Public Citizen Health Research Group v. Food & Drug Admin.*, 704 F.2d 1280, 1288 (D.C. Cir. 1983) (*Public Citizen*).

The CCSCIS program readily meets the test for a "trade secret." The Britt Declaration demonstrates that Bellcore's CCSCIS model is a "commercially valuable" method of cost calculation, because it enables a user to prepare sophisticated cost analyses used by communications companies and regulatory agencies throughout the world. Britt Aff. ¶ 3. Bellcore CCSCIS licensees are expected to pay up to \$3.5 million over a projected five-year period for the use of the program. Britt Aff.

¶ 7. The model is also a product of "substantial effort." Bellcore has spent over \$2.4 million and five years in developing the CCSCIS program, and continually updates the model in order to maintain its accuracy and reliability. Britt Aff. ¶ 4. In order to preserve its commercial value, Bellcore has always protected the program from public disclosure or interrogation by its licensees. Britt Aff. ¶ 16. It is therefore a "trade secret" within the meaning of Exemption 4, and is exempt from disclosure.

2. The CCSCIS Model is also "confidential business information" protected by Exemption 4. Given the competitive environment in which Bellcore licenses the CCSCIS program, the CCSCIS model is also exempt from disclosure as confidential commercial information. Commercial information is "confidential" for purposes of Exemption 4 "if disclosure of the information is likely to have either of the following effects: (1) to impair the government's ability to obtain the necessary information in the future; or (2) to cause substantial harm to the competitive position of the person from whom the information was obtained." *National Parks & Conservation Ass'n v. Morton*, 498 F.2d at 770. The Britt Declaration demonstrates that both consequences are likely if CCSCIS is disclosed.

a. Switch vendors have indicated to Bellcore that they might deny Bellcore their proprietary engineering and cost data for the CCSCIS model if disclosure were a possibility. The consequence would be that the CCSCIS model and competitive

models would not be updated. As a result, FCC proceedings would be hobbled by reliance upon an increasingly outdated cost model (i.e., the version of CCSCIS as it existed on the day it was ordered to be released).

b. Disclosure is also properly denied here because Bellcore is likely to suffer substantial competitive harm in the market for telecommunications cost modeling services. As the Court of Appeals has observed

[C]ompetition in business turns on the relative costs and opportunities faced by members of the same industry. . . .

[T]here is a potential windfall for competitors to whom valuable information is released under FOIA. If those competitors are charged only minimal FOIA retrieval costs for the information, rather than the considerable costs of private reproduction, they may be getting quite a bargain. Such bargains could easily have competitive consequences not contemplated as part of FOIA's principal aim of promoting openness in government.

*Worthington Compressors, Inc. v. Costle*, 662 F.2d 45, 51 (D.C. Cir. 1981). The Britt Declaration establishes that making available the CCSCIS model would provide Bellcore's competitors a windfall -- they would receive competitively valuable information costing millions of dollars to develop by simply paying several hundred dollars in FOIA copying costs. See Britt Aff. ¶ 14. In addition to simplifying its current competitors' efforts to develop models like CCSCIS, release of CCSCIS would stimulate some Bellcore customers to develop their own programs and dispense with Bellcore's services. Britt Decl. ¶ 14. Com-



plex economic studies are not needed to demonstrate a likelihood of competitive harm under Exemption 4: "Evidence revealing actual competition and the likelihood of substantial injury is sufficient to bring commercial information within the realm of confidentiality." *Public Citizen*, 704 F.2d at 1291. Release of the CCSCIS program would "easily have competitive consequences" in the growing international cost modeling service market. *Worthington Compressors, Inc. v. Costle*, 662 F.2d at 51. Nondisclosure of the CCSCIS program is therefore essential to ensure that Bellcore can maintain its position in the global competition for telecommunications cost modeling contracts.

#### **A PROPOSED ALTERNATIVE**

CCSCIS is founded on concepts and methods identical to those used by the SCIS. It also employs similar procedures and processes. In fact, the primary differences are that CCSCIS models less complex equipment and has, therefore, fewer cost primitives; uses simpler engineering rules; aggregates cost primitives using network characteristics; employs multiple accounts (i.e., different annual charge factors); and uses service demand forecasts, SS7 message characteristics and equipment additions. Therefore, and in light of the fact that the SCIS computer model was reviewed exhaustively by the independent accounting firm of Arthur Andersen & Co. and found to be reasonable both conceptually and operationally, a similar review of CCSCIS is not warranted here.

Nevertheless, if the Commission believes a comprehensive review is warranted, the review procedure for CCSCIS should encompass four elements: First, although the Bureau is provided direct and full access to all CCSCIS software and documentation used by the LECs, Bellcore and the LECs should be assured that the proprietary nature of the CCSCIS model will be protected. This can be accomplished in the context of granting the instant petition for waiver.<sup>8</sup>

By way of further assistance --

- Bellcore will provide assistance to the Bureau in its evaluation of the model. Such assistance will include providing sensitivity analysis results that will demonstrate the effect of operational and other input variables on the cost calculations. Assistance could also include providing various workshops, training sessions and responding to Commission questions related to methods, concepts and the impact of variables on results.

- While the equipment vendors will not allow public disclosure of their highly proprietary and competitively sensitive information, they may support a certification process whereby all parties will be provided with the requisite assur-

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8. The LECs would submit sensitive material contemporaneously with a request that such material not be made routinely available for public inspection 47 C.F.R. § 0.459(a). The bureau would issue an Order that the LECs submitting the CCSCIS model have established by a preponderance of the evidence a case for nondisclosure consistent with the provisions of the Freedom of Information Act, 5 U.S.C. § 552. 47 C.F.R. § 0.459(d). This finding should also incorporate recognition that the material constitutes a trade secret under 47 C.F.R. § 0.457(d).

ances that the vendor provided data has been properly reflected in the computer model. See Attachments 2, 3, 4 and 5.

- To provide interested parties with a working knowledge of the model, Bellcore will provide those parties who execute an appropriate nondisclosure agreement with redacted documentation and/or workshops, upon request. The redacted documentation will not contain information such as vendor equipment prices, resource consumption figures, or equipment capacities, nor will it contain algorithms and other information considered proprietary by Bellcore and which, if disclosed, could enable competitors to obtain an unfair and unwarranted competitive advantage.

These procedures should provide the Bureau as well as interested parties with sufficient information to determine the reasonableness of the cost support for the 800 data base service without unnecessarily compromising the interests of either Bellcore or the vendors. Indeed, the Commission's longstanding need for accurate cost support information can be realized only if CCSCIS and other such models can be used and simultaneously protected from public disclosure. And while it is recognized that protecting CCSCIS from public disclosure will result in the Commission assuming more of a burden in this proceeding than would be the case otherwise, the alternative is to return to a time when third-party access to information was routine, but the information itself was far less precise. In short, the Commission, like the LECs, can no longer rely on a "quill pen in the age of WordPerfect" if their objective is to make informed

decisions using the most accurate and detailed information available.

For the foregoing reasons, the LECs request the Commission to grant their petition to waive the requirement of the Designation Order, that computer models such as CCSCIS be disclosed on the public record.

Respectfully submitted,



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Stuart A.C. Drake  
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Attorneys for the  
Participating Bell Operating  
Companies, Cincinnati Bell,  
Inc., and Southern New  
England Telephone Company

Date: September 16, 1993



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**Bellcore**

Ⓢ Bell Communications Research

**James F. Britt**  
Executive Director

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FAX No 201-740-6897

August 3, 1993

Ms. D. R. Searcy, Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Room 222  
Washington, D.C. 20554

Re: Ex Parte Notice: CC Docket No. 93-129

Dear Secretary Searcy:

On July 29, 1993, representatives of Bellcore, Kirkland & Ellis representing Bellcore and all Regional Bell Operating Companies except U S WEST, U S WEST and Southwestern Bell Telephone Company met with representatives of the Tariff Division and the Office of the General Counsel to discuss concerns relative to the Common Carrier Bureau's Designation Order of July 19, 1993 in the above proceeding. The discussion focused on paragraphs 28 and 29 of the Order and footnote 24 wherein the Bureau stated that since two(2) LECs did not need to rely exclusively on cost models to develop costs for 800 data base services, LECs that did rely on such models must disclose those models on the public record, or provide alternative justification for the proposed rates.

During the meeting, the Declarations attached hereto were provided to both the Tariff Division and the Office of the General Counsel. The Declarations were executed by all seven (7) of the Regional Bell Operating Companies, Southern New England Telephone, Cincinnati Bell and GTE. Although the Declarations were varied, all of the above stated that use of the Bellcore developed Common Channel Signaling Cost Information System (CCSCIS), or a like model (U S WEST and GTE) were used to develop 800 data base costs. Moreover, the models used are trade secret and contain the proprietary information of the developer as well as the equipment manufacturers, and can not be disclosed on the public record.

Sprint LTD provided a letter describing the need for cost models containing vendor proprietary or commercially sensitive information to precisely determine capital costs of 800 data base verticle features. As a consequence of the Sprint transmittal, the Tariff Division was served notice that all LECs filing 800 data base rates depend exclusively on cost models which can not be publicly disclosed. On the basis of the preceding, the Tariff Division requested the parties present to discuss available options with the vendors.

Participating in the meeting for the Tariff Division were Greg Vogt and Tom David. Ms. Jane Mago represented the Office of the General Counsel. Representing the LECs were Messrs. Alfred Winchell Whitaker and Stuart Drake of Kirkland & Ellis, Mr. James Britt of Bellcore, Ms. Janice Stalhut of U S WEST and Mr. Bill Blaze of Southwestern Bell Telephone.

Any questions relative to the preceding should be directed to the undersigned.

Respectfully submitted,  
Bell Communications Research, Inc.

By \_\_\_\_\_  
James F. Britt  
Executive Director

Attachment

Copy (w/Att.) to:

Greg Vogt - FCC  
Tom David - FCC  
Jane Mago - FCC  
Alfred W. Whittaker - Kirkland & Ellis  
Stuart Drake - Kirkland & Ellis  
Janice Stalhut - U S WEST  
Bill Blaze - Southwestern Bell Telephone  
Dennis Pines - AT&T  
Paul DeJongh - Northern Telecom  
M. Shabana - DSC  
Nick Locsin - DEC  
Louise Tucker - Bellcore

**United States of America  
FEDERAL COMMUNICATIONS COMMISSION**

In the Matter of	)	
	)	
800 Data Base Access Tariffs and the	)	CC Docket No. 93-129
800 Service Management System Tariff	)	
	)	

**Declaration of Julian L. Brice**

1. I am Manager-Cost Operations for Ameritech. Ameritech is a local exchange carrier ("LEC") and a participant in the above-captioned proceeding. I provide this declaration to address statements contained in Common Carrier Bureau's Order Designating Issues for Investigation dated July 19, 1993 ("the July 19 Order"). I am personally familiar with the facts related here, and am competent to testify regarding them if called upon to do so.

2. The Common Channel Signalling Cost Information System ("CCSCIS") is a computer model used by Ameritech, a CCSCIS licensee, to calculate and apportion the shared SS7 investments used by 800 data base and other SS7 based services. A key feature of CCSCIS is its incorporation of current cost data from five equipment vendors (Northern Telecom, DSC Communications, Digital Equipment Corporation, Ericsson and AT&T). This enables Ameritech and other users of CCSCIS to develop accurate and up-to-date service specific investments for purposes of this and other proceedings. The vendor data is proprietary and the CCSCIS model is both a trade secret and proprietary, according to Bell Communications Research, Inc. ("Bellcore"), the owner of CCSCIS.

3. Footnote 24 of the July 19 Order states that "since, in the present proceeding, two LECs were able to develop costs for 800 data base service without [CCSCIS or similar model], LECs do not need to rely on such a model for



this service." That statement is not valid with respect to Ameritech. Ameritech has relied upon CCSCIS to develop investments for the 800 data base service. I am not aware of any other models for developing those investments that would enable Ameritech to readily develop reasonable costs for 800 data base vertical services for this proceeding and that would not also involve applications of proprietary data and models.

4. Paragraph 29 of the July 19 Order directs any LEC that relies upon CCSCIS or a similar model in this proceeding "to disclose those models on the record." Bellcore imposes limits on the use of CCSCIS by Ameritech and has established severe restrictions on the disclosure of information contained in or pertaining to the CCSCIS model. Ameritech has complied with those restrictions. Ameritech cannot comply with those restrictions and also "disclose" CCSCIS "on the record."

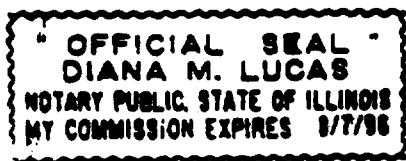
Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 28, 1993.

Julian L. Brice  
Julian L. Brice

Subscribed and affirmed before me this 28 day of July, 1993.

Diana M. Lucas



In the Matter of )  
 ) CC Docket No. 93-129  
800 Data Base Access Tariffs and the )  
800 Service Management System Tariff )

1. I am Assistant Manager - Access Filings at Bell Atlantic Network Services Inc. and was responsible for preparing the rate justification in connection with the Bell Atlantic telephone companies' 800 data base access tariff.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Ruth F. Durbin  
Ruth Durbin

United States of America  
Federal Communications Commission

In the Matter of )  
 )  
800 Data Base Access Tariffs and the ) CC Docket No. 93-129  
800 Service Management System Tariff )

Declaration of Hilmar F. Durden

1. I am Hilmar F. Durden, Manager, Economic Analysis for BellSouth Telecommunications, Inc. ("BellSouth"). BellSouth is a local exchange carrier ("LEC") and a participant in the above-captioned proceeding. I provide this declaration to address statements contained in the Common Carrier Bureau's Order Designating Issues for Investigation dated July 19, 1993 ("the July 19 Order"). I am personally familiar with the facts related here, and am competent to testify regarding them if called upon to do so.

2. The Common Channel Signalling Cost Information System ("CCSCIS") is a computer model used by BellSouth, a CCSCIS licensee, to calculate and apportion the shared SS7 investments used by 800 data base and other SS7 based services. A key feature of CCSCIS is its incorporation of current cost data from five equipment vendors (Northern Telecom, DSC Communications, Digital Equipment Corporation, Ericsson and AT&T). This enables BellSouth and other users of CCSCIS to develop accurate and up-to-date service specific investments for purposes of this and other proceedings. The vendor data is proprietary and the CCSCIS model is both a trade secret and proprietary, according to

Bell Communications Research, Inc. ("Bellcore"), the owner of CCSCIS.

3. Footnote 24 of the July 19 Order states that "since, in the present proceeding, two LECs were able to develop costs for 800 data base service without [CCSCIS or similar model], LECs do not need to rely on such a model for this service." That statement is not valid with respect to BellSouth. BellSouth has relied upon CCSCIS to develop investments for the 800 data base service. I am not aware of any other means or process for developing those investments that would enable BellSouth to develop reasonable costs for 800 data base vertical services for this proceeding and that would not also involve applications of proprietary data and models.

4. Paragraph 29 of the July 19 Order directs any LEC that relies upon CCSCIS or a similar model in this proceeding "to disclose those models on the record." Bellcore imposes limits on the use of CCSCIS by BellSouth and has established severe restrictions on the disclosure of information contained in or pertaining to the CCSCIS model. BellSouth has complied with those restrictions. BellSouth cannot comply with those restrictions and also "disclose" CCSCIS "on the record."

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 28, 1993.

  
Hilmar F. Burden

United States of America  
Federal Communications Commission

In the Matter of )  
 ) CC Docket No. 93-129  
800 Data Base Access Tariffs and the )  
800 Service Management System Tariff )

Declaration of Curt Hopfinger

1. I am District Manager-Product Development Costs & Regulatory for Southwestern Bell Telephone Company. Southwestern Bell Telephone Company is a local exchange carrier ("LEC") and a participant in the above-captioned proceeding. I provide this declaration to address statements contained in Common Carrier Bureau's Order Designating Issues for Investigation dated July 19, 1993 ("the July 19 Order"). I am personally familiar with the facts related here, and am competent to testify regarding them if called upon to do so.


2. The Common Channel Signalling Cost Information System ("CCSCIS") is a computer model used by Southwestern Bell Telephone Company, a CCSCIS licensee, to calculate and apportion the shared SS7 investments used by 800 data base and other SS7 based services. A key feature of CCSCIS is its incorporation of current cost data from five equipment vendors (Northern Telecom, DSC Communications, Digital Equipment Corporation, Ericsson and AT&T). This enables Southwestern Bell Telephone Company to develop accurate and up-to-date service specific investments for purposes of this and other proceedings. The vendor data is proprietary and the CCSCIS model is both a trade secret and proprietary, according to Bell Communications Research, Inc. ("Bellcore") the owner of CCSCIS.

3. Footnote 24 of the July 19 Order states that "since, in the present proceeding, two LECs were able to develop costs for 800 data base service without [CCSCIS or similar model], LECs do not need to rely on such a model for this service." That statement is not valid with respect to Southwestern Bell Telephone Company. Southwestern Bell Telephone Company has relied upon CCSCIS to develop investments for the 800 data base service. I am not aware of any other means or process for developing those investments that would enable Southwestern Bell Telephone Company to develop reasonable costs for 800 data base vertical services for this proceeding and that would not also involve applications of proprietary data and models.

4. Paragraph 29 of the July 19 Order directs any LEC that relies upon CCSCIS or a similar model in this proceeding "to disclose those models on the record." Bellcore imposes limits on the use of CCSCIS by Southwestern Bell Telephone Company and has established severe restrictions on the disclosure of information contained in or pertaining to the CCSCIS model. Southwestern Bell Telephone Company has complied with those restrictions. Southwestern Bell Telephone Company cannot comply with those restrictions and also "disclose" CCSCIS "on the record."

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 27, 1993.

  
Curt Hopfinger

United States of America  
Federal Communications Commission

In the Matter of

800 Data Base Access Tariffs and the  
800 Service Management System Tariff

cc Docket No. 93-129

Declaration of James J. Lechtenberg

1. I am Director of Marketing and Product Information for Pacific Bell..

Pacific is a local exchange carrier ("LEC") and a participant in the above-captioned proceeding. I provide this declaration to address statements contained in Common Carrier Bureau's Order Designating Issues for Investigation dated July 19, 1993 ("the July 19 Order"). I am personally familiar with the facts related here, and am competent to testify regarding them if called upon to do so.


2. The Common Channel Signaling Cost Information System ("CCSCIS") is a computer model used by Pacific, a CCSCIS licensee, to calculate and apportion the shared SS7 investments used by 800 data base and other SS7 based services. A key feature of CCSCIS is its incorporation of current cost data from five equipment vendors (Northern Telecom, DSC Communications, Digital Equipment Corporation, Ericsson and AT&T). This enables Pacific and other users of CCSCIS to develop accurate and up-to-date service specific investments for purposes of this and other proceedings. The vendor data is proprietary and the CCSCIS model is both a trade secret and proprietary, according to Bell Communications Research, Inc. ("Bellcore"), the owner of CCSCIS.

3. Footnote 24 of the July 19 Order states that "since, in the present proceeding, two LEC's were able to develop costs for 800 data base service without (CCSCIS or similar model), LECs do not need to rely on such a model for this service." That statement is not valid with respect to Pacific. Pacific has relied upon CCSCIS to develop investments for the 800 data base vertical services. I am not aware of any better means or process for developing bottoms-up investments that would enable Pacific to develop reasonable costs for 800 data base vertical services for this proceeding and that would not also involve applications of proprietary data and models.

4. Paragraph 29 of the July 19 Order directs any LEC that relies upon CCSCIS or a similar model in this proceeding "to disclose those models on the record." Bellcore imposes limits on the use of CCSCIS by Pacific and has established severe restrictions on the disclosure of information contained in or pertaining to the CCSCIS model. Pacific has complied with those restrictions. Pacific cannot comply with those restrictions and also "disclose" CCSCIS "on the record".

Pursuant to 28 U. S. C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 28, 1993

  
James J. Lechtenberg



Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of )  
 )  
800 Data Base Access Tariffs ) CC Docket No. 93-129  
and the 800 Service Management )  
System Tariff )

Declaration of Francis J. Murphy

1. I am Associate Director-Interstate Access & Carrier Services for Telesector Resources Group, Inc., a wholly owned subsidiary of New York Telephone Company and New England Telephone and Telegraph Company (the "NYNEX Telephone Companies" or "NTCs"). The NYNEX Telephone Companies are local exchange carriers ("LECs") and participants in the above-captioned proceeding. I provide this declaration to address statements contained in Common Carrier Bureau's Order Designating Issues for Investigation dated July 19, 1993 ("the July 19 Order"). I am personally familiar with the facts related here, and am competent to testify regarding them if called upon to do so.

2. The Common Channel Signalling Cost Information System ("CCSCIS") is a computer model used by the NTCs, as CCSCIS licensees, to calculate and apportion the shared SS7 investments used by 800 data base and other SS7 based services. A key feature of CCSCIS is its incorporation of